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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,689	03/29/2004	Robert F. Hauck	2215	2988

7590 07/20/2007  
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EXAMINER
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WENDELL, MARK R

ART UNIT	PAPER NUMBER
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3609

MAIL DATE	DELIVERY MODE
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07/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/811,689	<b>Applicant(s)</b> HAUCK, ROBERT F.	
	<b>Examiner</b> Mark R. Wendell	<b>Art Unit</b> 3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/29/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Drawings***

The drawings are objected to because Figures 1A and 1B are not legible and objects cannot be distinguished. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

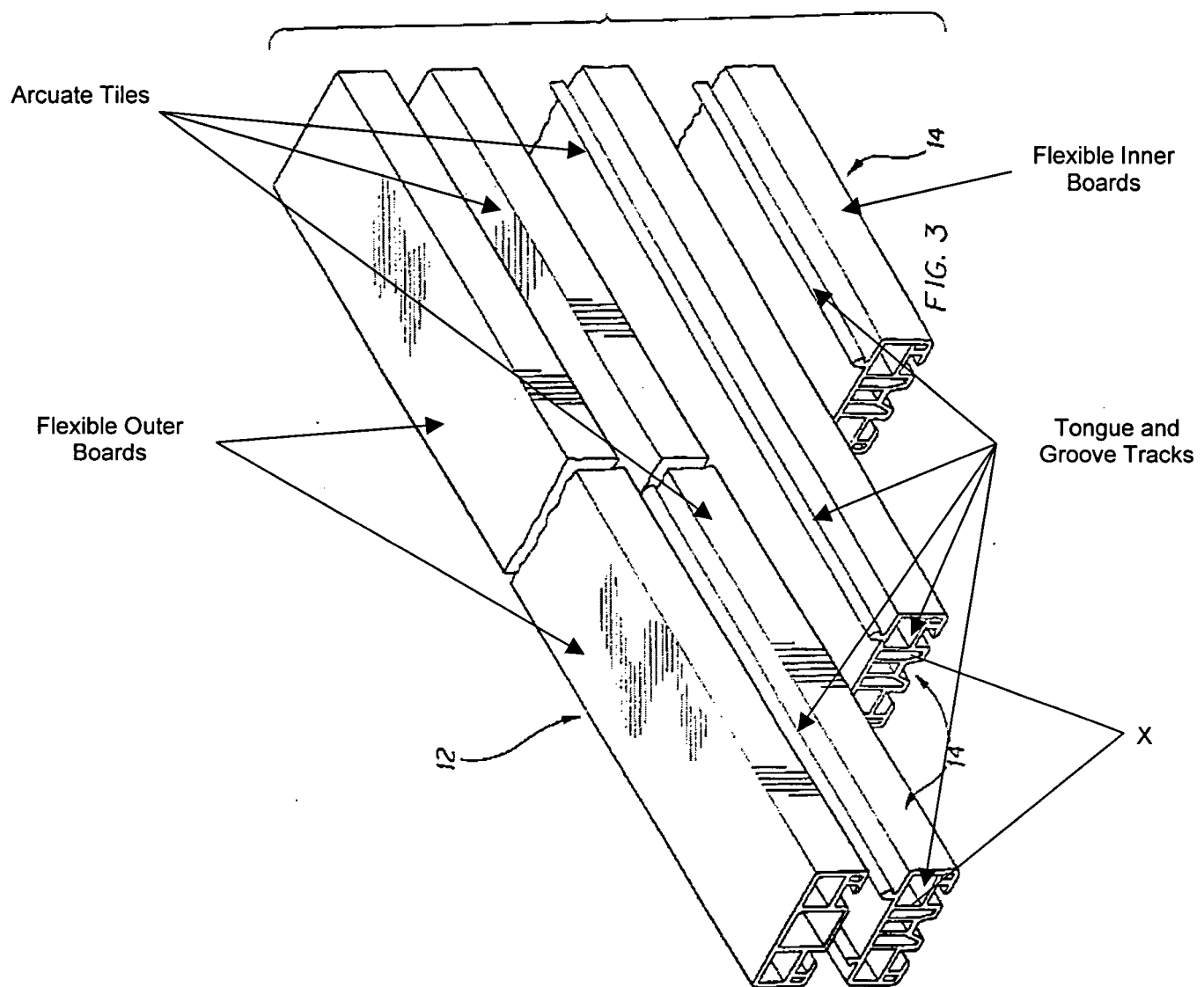
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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 9-11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Marocco (US 5699637). Regarding claims 1 and 9, Marocco illustrates in Figures 3-5 an arcuate architectural structure and component adapted to be in the structure comprising:

- A flexible outer board (Figure 5, item 14) forming a curved first outer surface including tongue and groove tracks (see Figure 3) formed along opposite ends;
- A flexible inner board (Figure 5, item 14) forming a curved second outer surface including tongue and groove tracks (see Figure 3) formed along opposite ends;
- A first and second plurality of arcuate tiles (see modified Figure 3 below) adapted to be arranged to form a third outer surface spanning the distance of the outer and inner boards (14);
- The plurality of tiles having a tongue and groove (see Figure 3) adapted to mate and lock with the outer and inner boards (14);



Marocco Figure 3

Regarding claims 2 and 10, Marocco illustrates in Figure 3 the first and second plurality of arcuate tiles having a third tongue and groove formed along a peripheral edge (designated by X in modified figure above) locking to the tongue and groove of the adjacent tile.

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Regarding claims 3 and 11, Marocco illustrates in Figure 3 the first and second plurality of arcuate tiles being mirror images of one another.

Regarding claims 5 and 13, Marocco discloses in the first sentence of the abstract that the board and tile members are made of thermoplastic, which is a solid plastic, wood-alternative material.

Claims 6-7, 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Laronde (US 5987845). Regarding claims 6 and 17, Laronde illustrates in Figures 1-4 an arcuate architectural structure and component adapted to be in the structure comprising:

- A plurality of flexible boards each including tongue and groove (3 and 6) tracks formed along opposite longitudinal edges adapted to mate with an adjacent member;
- Tongue and groove tracks (3 and 6) of all flexible boards mated and locked to form a column (8).

Regarding claims 7 and 18, Laronde illustrates in Figure 1 the flexible boards including a series of serrulate slots that extend well into the boards between the tongue and groove tracks.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 12, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco (US 5699637) in view of Laronde (US 5987845). It is described above what is disclosed by both Marocco and Laronde. In regards to claims 4 and 12, Marocco does not disclose the flexible boards including a series of serrulate slots that extend well into the boards between the tongue and groove tracks. However, Laronde in Figure 1 illustrates flexible boards (8 and 14) including a series of serrulate slots that extend well into the boards between the tongue and groove tracks (3 and 6). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the arcuate architectural structure and component of Marocco with the serrulate slots of Laronde in order to form various shaped (circular, oval, winding, etc.), resilient arcuate architectural structures.

Regarding claim 16, Marocco discloses in the first sentence of the abstract that the board and tile members are made of thermoplastic, which is a solid plastic, wood-alternative material. It would have been obvious to one of ordinary skill in the art at the time of invention to form the structure of Marocco as modified by Laronde from

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thermoplastic because it is cheaper to manufacture, easier to clean, and more manageable to work with.

Regarding claim 14, it is described above what is disclosed by Marocco, however Marocco does not disclose a plurality of tongue and groove tracks for all flexible boards mated and locked to form a column. Laronde illustrates in Figures 1-4 an arcuate architectural structure and component adapted to be in the structure comprising:

- A plurality of flexible boards each including tongue and groove (3 and 6) tracks formed along opposite longitudinal edges adapted to mate with an adjacent member;
- Tongue and groove tracks (3 and 6) of all flexible boards mated and locked to form a column (8).

It would have been obvious to one having ordinary skill in the art at the time of invention to modify the arcuate architectural structure and component of Marocco with forming a column as taught in Laronde in order to protect and beautify cylindrical objects such as posts or light poles.

Regarding claim 15, Laronde in Figure 1 illustrates flexible boards (8 and 14) including a series of serrulate slots that extend well into the boards between the tongue and groove tracks (3 and 6). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the arcuate architectural structure and component of



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Marocco with the serrulate slots of Laronde in order to form various shaped (circular, oval, winding, etc.), resilient arcuate architectural structures.

Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laronde (US 5987845) in view of Marocco (US 5699637). It is described above what is disclosed by both Laronde and Marocco. In regards to claims 8 and 19, Laronde does not disclose the architectural component being formed from a solid plastic, wood-alternative material. However Marocco discloses in the first sentence of the abstract that the board and tile members are made of thermoplastic, which is a solid plastic, wood-alternative material. It would have been obvious to one of ordinary skill in the art at the time of invention to form the structure of Laronde as modified by Marocco from thermoplastic because it is cheaper to manufacture, easier to clean, and more manageable to work with.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heyns (US 6247286) teaches modular structural tiles with tongue and groove coupling. Simons (US 2187404) teaches a roofing structure with arcuate tiles. Wilson (US 5590493) teaches wall structures with serrulate slots enabling different shaped walls to be constructed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Wendell whose telephone number is (571) 270-

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3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson  
Supervisory Patent Examiner  
Art Unit 3609

MRW  
July 11, 2007